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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,658	10/10/2000	Hugh G. Loebner		4106

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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
3629	#2

DATE MAILED: 11/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/684,658	LOEBNER, HUGH G.	
	Examiner Ernesto Garcia	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 October 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

The disclosure is objected to because of the following informalities: reference 8 is described as a top assembly and a top roller at the same time; and naming of the rollers with corresponding references is inconsistent. Appropriate correction is required.

***Claim Objections***

Claims 1, 3 and 4 are objected to because of the following informalities: as to claim 1, the numeral "(b)" appears twice in the claim; and as to claims 3 and 4, the limitation "where" in line 1 should be --wherein--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Sakuma, 5,501,429.

Regarding claim 2, Sakuma '429 discloses in Figure 1 an improvement, in a crowd control stanchion **A** having a extendible and retractable guidance tape **13**, comprising a gravitational means **31** for maintaining tape tension and retracting the extendible and retractable guidance tape **13**.

Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Besher, 2,153,708.

Regarding claim 2, Besher '708 discloses in Figure 4 an improvement, in a crowd control stanchion **100** having a extendible and retractable guidance tape **b**, comprising a gravitational means **f** for maintaining tape tension and retracting the extendible and retractable guidance tape **b**.

Regarding claim 3, Besher discloses in Figure 4 the gravitational means **f** comprises a weighted pulley system **g**.

Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by the European patent, 375,580.

Regarding claim 2, the European patent '580 discloses in Figure 1 an improvement, in a crowd control stanchion **1** having a extendible and retractable guidance tape **4**, comprising a gravitational means **13** for maintaining tape tension and retracting the extendible and retractable guidance tape **4**.

Regarding claim 3, the European patent discloses in Figure 1 the gravitational means **13** comprises a weighted pulley system **12**.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the European patent 375,580.

Regarding claim 1, the European patent '580 discloses in Figure 1 an extendible guidance tape crowd control stanchion comprising a base **A**, a post **2**, a fixed top block assembly **3**, movable bottom block assembly **12**, and an extendible and retractable guidance tape **4**. The post **2** is attached to the base **A**. The fixed top block assembly **3** is attached to the post **2**. The fixed top block assembly **3** comprises a plurality of rollers **10**. The movable bottom block assembly **12** is contained within the post **2**. The movable bottom block assembly **12** comprises a roller **14** and a weight **13**. The extendible and retractable guidance tape **4** is laced between the fixed top block assembly **3** and the movable bottom block assembly **12**. The extendible and retractable guidance tape **4** comprises an extendible and retractable guidance tape **4** and means for attaching **5** the extendible and retractable guidance tape **4**. However, the European patent fails to disclose the roller **14** being a plurality of rollers **14**. Applicant is reminded that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to duplicate the roller **14** to lace a second tape.

Regarding claim 4, the European patent discloses in Figure 1 the weighted pulley system **12** comprises a fixed top block assembly **3** and a movable bottom block assembly **12**. The fixed top block assembly **3** comprises a plurality of rollers **10** and the

movable bottom block assembly **12** comprises a roller **14** and a weight **13**. However, the European patent fails to disclose the roller **14** being a plurality of rollers **14**.

Applicant is reminded that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to duplicate the roller **14** to lace a second tape.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax number for the organization where this application or proceeding is assigned is 703-305-3597 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



**Lynne H. Browne**  
**Supervisory Patent Examiner**  
**Technology Center 3620**

E.G.  
November 8, 2001